



State of California

LITTLE HOOVER COMMISSION

February 4, 2003

The Honorable Gray Davis
Governor of California

The Honorable John L. Burton
President pro Tempore of the Senate
and members of the Senate

The Honorable Herb J. Wesson, Jr.
Speaker of the Assembly
and members of the Assembly

The Honorable James L. Brulte
Senate Minority Leader

The Honorable Dave Cox
Assembly Minority Leader

Dear Governor and Members of the Legislature:

In 1999 the Little Hoover Commission detailed the perils that face children in California who are neglected or abused. In its report, *Now in Our Hands: Caring for California's Abused & Neglected Children*, the Commission outlined a comprehensive strategy for ensuring that our most vulnerable residents receive adequate protection, nurturing and care.

Three years have passed since the release of that report. In that time there has been considerable action, but almost no real progress. The greatest obstacle to meaningful reform is an unwillingness on the part of both state and local leaders to take responsibility for reforming the foster care system. The Secretary of the Health and Human Services Agency told the Commission that the responsibility to lead reforms does not rest with the State and it is not his job. He placed that responsibility on the counties. But county officials assert that without direction and new resources from the State, they cannot or will not reform the system.

With no one in charge, the foster care system fumbles forward, and often backward, and costs children and families their happiness, their prosperity and even their lives.

It is imperative that the Governor and Legislature clarify who is responsible for the children and families in the foster care system. Without that clarity, millions of dollars and millions of hours will continue to be wasted. In the last three years alone:

- The Legislature and Governor have considered over 100 bills intended to address deficiencies in the child welfare system. But legislative action has not dramatically improved the foster care system.
- The Department of Social Services has launched a \$3 million planning process, but the proposed reforms do not address fundamental concerns about state and local responsibilities.
- State agencies spent over \$8 million on research related to child and family welfare, to assess unmet needs and to explore options for reform. But some of that research has been disregarded, and many of the findings have not been publicly released or presented to the Legislature.
- State and county officials have spent hundreds of thousands of dollars on consultants, staff time and travel to meet, explore options, debate reforms, champion legislation, defeat legislation and lament the lack of progress. But these actions have not yielded the direction or leadership that would give anyone confidence that real reform is underway.

All of this is on top of the billions that taxpayers have spent to serve children in foster care over the last three years. The 2002-03 budget for foster care services is \$2.2 billion. Yet despite this enormous price tag, we continue to fail these children. In many cases the system fails to

meet formal standards of care. In some extreme but intolerable cases, the level of care is no better than the abusive homes from which those children were rescued.

During the last three years:

- An additional 100,000 children have experienced abuse or neglect that is so severe as to warrant their removal from their homes.
- An estimated 25 percent of the children in foster care have not received timely medical care and 50 percent have not received appropriate mental health services.
- While the failure of the educational system to meet the needs of these children is well documented, officials have not even agreed on who is in charge of this issue,
- Unemployment rates for emancipated youth are still estimated at 50 percent.
- Most appalling, an estimated 2,800 children have emancipated from the foster care system only to become homeless.
- Los Angeles County alone has spent over \$12 million to address lawsuits involving children who were neglected, harmed or killed while in foster care.

To be sure, there are constructive forums in which professionals are smartly thinking about how services could be re-engineered to intervene earlier and more effectively in struggling families where children are often harmed. And some of the most aggressive would-be reformers caution that many well-intended professionals are beaten down by the “shame and blame” of some advocacy efforts and are weary from the perennial flood of legislated, regulated or self-imposed improvement efforts.


The Commission accepts that providing high quality foster care is one of the greatest challenges of state and local government. But it also sees the care and nurturing of these children as one of the greatest obligations held by state and local government.

After reviewing the reforms that are underway the Commission has concluded that they are inadequate in one crucial way: We have failed to put in place the leadership and management structure that would allow any of these incremental efforts to be implemented correctly, or to hold anyone accountable for their failure or success.

Both the state and counties have a role in helping these families. But the current muddle of authority and responsibility frustrates the innovative and shields the unresponsive. The buck stops nowhere. And until that problem is resolved, discussions about “best practices” are academic and working groups about “outcome measures” are meaningless. What will happen when a county does not employ “best practices?” Who will be called to testify when the outcome measures are not met?

The State of California is facing a historic fiscal crisis that is necessarily consuming the attention of policy-makers. These deliberations on public spending should recognize that thousands of public employees are working every day in the foster care system. With the right leadership, we believe these capable people can make progress even with no additional funding. When the State was flush with revenue, significant progress was not made. A fiscal crisis should not be used as an excuse to further delay action.

Until foster care is a temporary, short-term and safe place for children, it is incumbent upon all community leaders to focus political capital on this issue. When the State intervenes to protect the lives of children it takes on a tremendous obligation. It is time for us to live up to that obligation.

Sincerely,

Michael E. Alpert
Chairman

Still In Our Hands:
*A Review of Efforts to Reform
Foster Care in California*

February 2003

Table of Contents

Still in Our Hands: No Leader, No Accountability	1
A Broken, Costly System	2
Improvements Have Been Made	3
But Quality is Not Ensured	3
From Home to Home	4
Aging Out	5
Foster Care Reform: A Perennial Challenge	6
Two Core Challenges: Leadership and Oversight	8
No One in Charge	9
Accountability is Evasive	11
Half the Children, More Than Half the Problems	14
A Structure for Improvement	15
What Must Be Done	19
Appendices	23
Appendix A: Public Hearing Witnesses	25
Appendix B: Foster Care Related Legislation	27
Notes	29

Table of Sidebars & Charts

Getting the Job Done	1
1998 Foster Care Entries, Time to Exit	2
Now in Our Hands	3
Number of Placements for Children in Traditional Foster Care 12 Months or More	4
Problems Well-Documented	6
Significant Resources Dedicated to Reforms	7
Child Welfare Services Stakeholders Group	10
Citizen Review Panels: Providing Independent Oversight	12
Foster Care Ombudsman	13
Los Angeles Newspaper Editorials	15
The Los Angeles County Department of Children and Family Services	16
Los Angeles County: Common Problems at a Bigger Scale	17
Missing Children	18
Create Effective Citizen Oversight	20
In Los Angeles	21
If not you, then who? If not now, then when?	22

Still in Our Hands: No Leader, No Accountability

The life of each child is precious. Their innocence and potential is so valued that when a child is abused or neglected the State intervenes. Each year some 40,000 children in California are taken away from parents who have failed to provide adequate care and nurturing.¹

For most of these children, the State provides a safe haven while families get their lives in order or a new family can be found to assume parental duties. This is a difficult task given the complexity of drug addiction, violent behavior and poverty that must be overcome to restore families.

But this noble campaign is tarnished by the substantial number of cases in which the government fails. Children in foster care are routinely denied adequate education, and mental and physical health care. For approximately one out of four children who enter the system each year, foster care is not temporary at all, but a heartless limbo – childhoods squandered by an unaccountable bureaucracy. For a significant number of children, foster care is not healing at all, but inflicts additional trauma on young hearts and minds. In the most severe cases, children are hurt, threatened and even killed while in the State's care. And while county agencies intercede when parents fail, the system is less diligent in policing itself.

These failures are well known and well understood, which makes them all the more unacceptable.

The Little Hoover Commission – along with grand juries, advocacy organizations, and county and state administrators – have documented the problems and identified solutions. But improvements are modest and on the margin. In the autumn of 2002, the Commission conducted two public hearings – in Sacramento and Los Angeles – to probe why we are moving so slow to fix a system that is so important in the lives of so many children.

The law provides authority for state and local officials to innovate, strive for excellence and continuously improve foster care programs. And at any point in time, state and county officials can point to a successful pilot program or incremental improvement that has

Getting the Job Done

Understanding the challenges of the foster care system and identifying realistic solutions has not resulted in adequate reforms. Successful reforms will require:

- Consistent public attention on what can be achieved and what is being achieved for the children in the public's care.
- Clear lines of authority, responsibility and accountability for making reforms happen.
- Child advocates to speak with a unified voice to demand change and hold state and local leaders accountable.

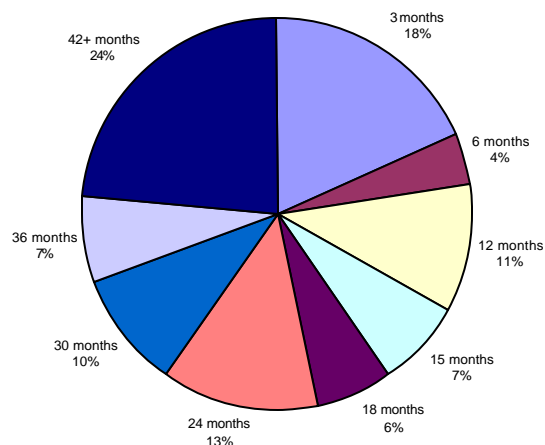
helped a few families respond to the harsh realities of life. But these examples have not addressed the core nature of an unresponsive bureaucracy.

The bottom line is that we have not committed ourselves to what we say foster care should achieve, and we have not made it clear which individual or agency will be responsible for progress. As hard as it is to turn a large ship, try doing it without a captain or a rudder.

A Broken, Costly System

In its 1999 report the Little Hoover Commission concluded: "Despite benevolent interventions and billions of dollars, the government has proven to be a poor surrogate parent – seemingly incapable of ensuring that these children receive the education, medical care and counseling that all children need. In the end, troubled children end up as troubled adults. The personal anguish becomes a public calamity."²

**1998 Foster Care Entries
Time to Exit**



Source: Center for Social Services Research.

When children enter the foster care system they are placed with relatives, foster families, in group homes or other facilities. For most, foster care is temporary, and children and parents are reunited once specific issues are addressed. About one in five children who enter foster care are reunited with their families within six months. Slightly more than half exit foster care between six and 36 months. For the remainder, the foster care system becomes a way of life. Approximately one in four children will remain in care for 42 months or longer.³ Because so many children remain in the foster care system for long periods, and because many return to foster care after being reunified, there are more than 90,000 children in California's foster care system each day.⁴

Caring for abused and neglected children is expensive. The 2002-03 budget for foster care is \$2.2 billion.⁵ Billions more are spent for health care, mental health services, special education, courts and law enforcement, substance abuse treatment and other services for these children.⁶

Serving particular children can be very expensive. To operate an emergency shelter in Los Angeles, the MacLaren Center, costs \$757 per child per day, or \$276,305 per child per year. And some children do stay at MacLaren for extended periods. The children's program at the State's

mental hospital costs \$329 per child per day, or \$120,000 per child per year. Caring for a child in a group home can cost more than \$62,000 annually. At the low end, placing a child with a relative may only cost \$5,000 annually, not including additional medical, mental health or other costs.⁷

Improvements Have Been Made

Importantly, policy-makers have recognized the need to improve foster care, and responded by increasing funding or creating new programs to resolve specific problems. Since 1999 policy-makers have:

- Increased investments in prevention and early intervention services.
- Placed 270 public health nurses in county welfare and probation offices statewide to improve access to health care services.
- Established the Ombudsman Office for Foster Care and a toll-free help line to provide children in foster care and their families with information and assistance.
- Improved transitional and independent living programs, through efforts such as the Supportive Transitional Emancipation Program and the Transitional Housing for Foster Youth Fund.
- Established five regional training centers to provide training to new and continuing child welfare workers.

Now in Our Hands

The Commission's 1999 report, *Now in Our Hands: Caring for California's Abused & Neglected Children*, includes a detailed analysis of the child welfare system. The Commission issued 14 findings and recommendations and urged policy-makers to take a strategic approach to systematic reform. A copy of the report can be accessed from the Commission's Web site: www.lhc.ca.gov/lhc.html

But Quality is Not Ensured

Despite these significant efforts and expenditures, many children in foster care are not receiving the services they require. State and federal laws entitle children in foster care to a full range of education, health, dental, mental health and substance abuse treatment services. But parents, youth and advocates testified that many children are denied access to needed care. Research supports these claims:

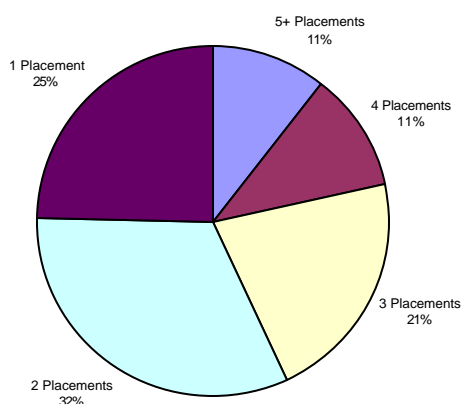
- The Department of Health Services reports that children in foster care are supposed to receive a medical assessment within one month of eligibility, but just 65 percent of these children receive services within two months. Another 10 percent wait three months. The department says that 14 percent of foster children wait more than three months for medical assessments and some may never receive required medical care.⁸
- A University of California study found that 50 percent of children in foster care are not receiving appropriate mental health services.⁹

- The Department of Health Services reports that half of all children in foster care are not receiving dental care.¹⁰
- Many emancipating foster youth are not made aware of their eligibility for benefits that could support their housing, child care and employment needs.¹¹
- Even though two-thirds of foster youth have college ambitions, many emancipating youth do not attend because information on higher education and financial aid opportunities is not consistently provided in a timely manner.¹²

These challenges are compounded by high turnover of social workers and other staff, by poor coordination of services for youth and families, by limited quality control, and by the movement of children from one foster care placement to another.

Foster care was envisioned as a temporary safe haven to care for children until they can be reunited with their families or adopted by new families. The reality is quite different. Dennis McFall, director, Behavioral Health Services, Siskiyou County, summed up the foster care system in a way echoed by many families, experts and even county administrators: “It is not a system in which anyone would want their child or grandchild to become involved.”

***Number of Placements for Children
in Traditional Foster Care
12 Months or More (n=8664)***



Source: Center for Social Services Research.

From Home to Home

A particular challenge in the foster care system is finding stable, appropriate placements. The challenge is greatest for children in foster care for long periods of time. In 2000 approximately 40,000 children entered foster care and 16,004 remained in care for 12 months or longer; many have stayed with relatives and their placements are generally stable, but for the 8,664 children who have been placed in traditional foster care placements, the majority have experienced multiple placements. Forty-three percent of the 8,664 were moved three or more times, while 11 percent moved five or more times.¹³

County welfare officials concede that the problem of finding appropriate placements has grown to crisis proportions.¹⁴ Children in foster care rightfully complain that they are shuttled from one placement to the next as county social workers try to find an appropriate placement. Each move severs tenuous

relationships with caregivers and interrupts schooling, health care and other supports that all children need to thrive.

In an extreme case, one young woman told the Commission that she lived in 60 different homes or facilities during her 12 years in foster care. At one point she was sent to live in another state. And she testified that she was almost immediately separated from her sister and never reunited. When siblings enter foster care, 40 percent are placed with all their siblings and 65 percent are placed with at least some of their siblings. For sibling groups of four children in foster care, 29 percent of those families will be placed all together and 70 percent will be separated from at least some of their siblings.¹⁵

Researchers have documented the value of children growing up in stable families with consistent caregivers.¹⁶ Developmental theory suggests – and outcomes for individuals indicate – that children fair much better with single caregivers than when raised in institutional settings, where staff members work in shifts and frequently change jobs.¹⁷ But this problem has not been solved.

Aging out

This placement roulette is of particular concern for teenage children, whose complex needs expose the greatest weaknesses in the system. These children often consume the most expensive and least effective services. And because many of them spend the rest of their childhood in foster care, they represent a unique state obligation to help them transition into the adult world.

Research that has tracked young adults for up to four years after they left foster care, suggests that emancipating youth experience a gamut of challenges:¹⁸

- Approximately one-third failed to complete high school, few entered college.
- Some 25 percent experienced homelessness.
- Unemployment rates hovered near 50 percent.
- Some 25 percent were arrested and spent time incarcerated.
- About one-third received public assistance.

These outcomes result in additional public costs and social consequences. These outcomes also demonstrate that the foster care system has done a poor job preparing them for the challenges of adulthood.

Foster Care Reform: A Perennial Challenge

Based on the growing evidence of failure, significant resources have been dedicated to improving outcomes for children and families. But progress is scant and pales in comparison to the challenge. Consider:

- ***Inadequacies and reform strategies are well-documented.*** Numerous reports have outlined the failings of California's foster care system and recommended reforms. In recent years more than a dozen reports have documented the inadequacies of California's foster care system. Many include concrete reform proposals.

Problems Well-Documented

Many reports document problems with the foster care system and include recommendations for reform.

Code Blue: Health Services for Children in Foster Care, Center for California Studies, December 1998.

The Future of Children: Protecting Children from Abuse and Neglect, Center for the Future of Children, Spring 1998.

Foster Youth Share Their Ideas for Change, Child Welfare League of America, July 1999.

Now in Our Hands: Caring for California's Abused & Neglected Children, Little Hoover Commission, August 1999.

Family Preservation Initiatives: Foster Youth Share Their Perspectives for Change, California Youth Connection, 2000.

A Rage to do Better: Listening to Young People from the Foster Care System, Pacific News Service, May 2000.

Listening to Our Youth, California Assembly Select Committee on Adolescence, May 2000.

A Summary of Foster Youth Recommendations from California Youth Connection Conferences, California Youth Connection, 2001.

Foster Care and Adoption: How Proposition 10 Commissions Can Help California's Most Vulnerable Young Children, UCLA Center for Healthier Children, Families and Communities, March 2001.

Reexamination of the Role of Group Care in a Family-Based System of Care, Report to the Legislature, California Department of Social Services, June 2001.

Foster Care Fundamentals: An Overview of California's Foster Care System, California Research Bureau, December 2001.

Recommendations for State-Level Activities to Coordinate CalWORKs and Child Welfare Services, California Center for Research on Women & Families, December 2001.

Evidence-Based Practices in Mental Health Services for Foster Youth, California Institute for Mental Health, March 2002.

- **Significant resources dedicated to reforms.** In 1999 the Legislature and Governor authorized the Department of Social Services to spend \$3 million to plan reforms over three years through a Stakeholders Redesign process. State agencies have dedicated over \$8 million in research on trends in child and family welfare, unmet needs and alternative funding strategies. And state and county employees have spent countless hours in conferences, task force meetings, working group sessions and other meetings to discuss the need for reform and potential strategies.
- **The Governor and Legislature are engaged.** Since 1999 the Legislature has debated over 100 bills and the Governor has signed into law over 40 pieces of legislation to address deficiencies in the child welfare system. Policy-makers have provided additional funding, specified the rights of children in foster care, removed regulatory roadblocks, issued new mandates for child welfare workers, supported research, and expanded services to children. A sample of recent legislation is included in Appendix B.

Significant Resources Dedicated to Reforms

Child Welfare Services Stakeholders Redesign

The Department of Social Services (DSS) leads a three-year effort begun in August 2000 to develop specific strategies to improve outcomes for children and families involved in the foster care system.

Cost: \$3 million.

Investing in Research

California Department of Social Services

- Explore alternative funding mechanisms for group homes. The report has not been released.
Cost: \$250,000.
- Understand effects of welfare reform on children and families. In 1998, the Commission was told that this research would assess, among many other issues, whether welfare reform would impact the abuse and neglect of children. Two reports have been completed and released. A third report was completed in 2000 but has not been released. Others also are pending completion.
Cost: \$8.1 million.

The Department of Mental Health

- Determine the cost of providing mental health assessments and treatment services to all children in foster care. The report was completed in June 1999 but has not been released. **Cost: \$175,000.**

Additional reports, task forces and meetings have been convened to address the foster care crisis.

March 1999 – DSS convened the Foster Care Group Home Law Enforcement Task Force and issued a report.

May 2001 – DSS issued a report on the effectiveness of utilizing best practice guidelines for the assessment of children and families services.

June 2001 – DSS issued its findings and recommendations on ways to improve the group care system.

October 2002 – The Governor's Initiative Workgroup met to discuss registering foster youth at Workforce Investment Act One-Stop Centers and developing services to meet the needs of emancipating foster youth.

Despite these efforts, progress has been slow in improving the quality of the foster care system and outcomes for children and families. Since 1998 the number of children in the foster care system has declined by approximately 8 percent.¹⁹ The primary driver behind the reduced caseloads has been an increase in the number of children leaving the system. Between 1998 and 2001, despite a growing population, a relatively consistent number of children entered foster care each year. Coupled with an increase in the number of children reunited with their families, adopted or emancipated, California has a slightly smaller number of children in foster care than in recent years.²⁰

But State officials are unclear on what has contributed to these trends and so policy-makers have few clues to guide their decisions on which efforts to expand or which to contract. The flattening of entry rates might have been the result of the previously robust economy, a decline in the number of teenage births, changing patterns of drug use or other factors. Gains in the number of children finding permanent placements may be the result of increased focus by counties on the number of adoptions and efforts to better support birth families to facilitate child-family reunification.

Equally important, improvements pioneered in some counties have not necessarily been adopted elsewhere. Systematic changes to the foster care system are still in the planning stages, leaving open the question of whether caseloads will continue to decline. From 1988 to 2000, California made consistent progress in decreasing entries and increasing the number of children who exited the foster care system. But those gains did not persist in 2001 and it is unclear if California could be facing a new trend of increasing number of children entering foster care and declining exits.²¹ Most significant, these traditional measure of the foster care system are weak indicators of quality or outcomes.

Two Core Challenges: Leadership and Oversight

Foster care reform faces two core challenges that have not been adequately addressed: The first is designating a leader responsible for the foster care system. The second is the oversight necessary to protect the interests and futures of neglected and abused children.

Foster care in California is generally referred to as a State-supervised, county-administered system. In most states, foster care is solely a state responsibility. California has delegated much of its responsibility for administering services to children in foster care to the 58 individual counties – which investigate cases, supervise out-of-home placements

and either reunify the family when problems are resolved or find a permanent home for children.

Much of this responsibility for protecting and providing for these children falls to county welfare departments, although the cases also fall under court supervision. In addition county mental health and drug abuse programs, local school districts, law enforcement and other agencies play a role in protecting and serving abused children. The number of agencies involved and the complexity of local bureaucracies, funding rules and other requirements presents numerous barriers to providing adequate care.

Local efforts are supported by an equally complex bureaucracy at the State, including the departments of social services, health services mental health and alcohol and drug programs. These departments, however, all fall under the Health and Human Services Agency, which was created for the explicit purpose of coordinating the efforts of related departments. Other agencies that may be involved include the California Department of Education, and the community colleges, which offer training support for foster parents.

No One in Charge

One limitation to the design of California's foster care services is ambiguity as to who is in charge and responsible for reforming a dysfunctional system. During an August 2002 public hearing, Grantland Johnson, California's Secretary for Health and Human Services, conceded that in the three years since the Commission's report was released the foster care system has not been fixed:

I'm here to tell you that, yes we agree, the system is broken and needs fixing. We agree that the system is inadequate. We agree that it's too bureaucratic. We agree that there are too many disconnections between the State and local government and the Secretary for Health and Human Services and a social worker who is engaging with a child.

The Secretary argued that fixing foster care is difficult because there is not agreement on the role of the State in reforming a system that is locally administered. Local agencies, he said, oppose state initiatives because they are perceived as unfunded mandates, increasing workloads, and adding complicated reporting requirements.

And the Secretary argued against suggestions that the State require counties to better coordinate child welfare, mental health, substance abuse treatment and related services. He asserted that the State already

provides counties with the flexibility to integrate local services and that many do. He testified that it would be inappropriate for the State to mandate specific improvements, such as the integration of services. And he said counties seeking relief from burdensome regulations can ask the State for waivers, but few seek that relief – evidence, he believes, that the State is not impeding improvement.

In contrast, county welfare directors told the Commission that they are waiting for the State to align its rules, requirements, funding and organizational structure with the goals it asks the counties to meet. The county welfare directors association testified that the lack of coordination at the state level frustrates efforts to make sure that children receive health care and parents receive alcohol and drug treatment. The counties also called for clear standards, more flexible resources, technical assistance, and other supports to eliminate the barriers that prevent children from accessing services. County officials suggested it is time to stop funding pilot projects that do not inform system improvements and instead reform funding rules to do better with existing resources.

Child Welfare Services Stakeholders Group

In 2000 the Legislature provided funding to the Department of Social Services to form the Child Welfare Services Stakeholders Group and charged it with reviewing child welfare programs and recommending ways to improve services for children and families. A large and diverse collection of stakeholders has been working for two years to develop reforms. In 2003 the stakeholders group is expected to issue a plan of action to implement its recommendations.

The stakeholders process has produced notable recommendations to improve opportunities for prevention, promote best practices and provide holistic care to children and families.

But some child advocates argue that the process has not addressed the fundamental challenges any reform will need to overcome, including:

- Addressing the tension between promoting program consistency across counties and addressing real demographic, geographic and financial differences among the counties.
- Ensuring the availability of adequate and appropriate placements for all children in foster care.
- Bringing greater flexibility and incentives to foster care funding to encourage innovation and promote system improvement.
- Increasing collaboration and coordination among state agencies, particularly the departments of social services, health, mental health and education.
- Increasing collaboration among local agencies, particularly county agencies and local school districts.
- Identifying strategies to improve outcomes in under-performing counties.

And many stakeholders complain that the three-year process is taking too long, has failed to identify or promote immediate reforms and is costing too much.

Moreover, recommendations alone have proven inadequate to produce needed reforms. Without a designated leader responsible and accountable for improving outcomes, stakeholder recommendations will not find their way into the lives of troubled children and families.

Source: CWS Stakeholders Group. "CWS Redesign: Conceptual Framework." May 2002. Sacramento, CA: California Department of Social Services.

And the chair of the Board of Supervisors of California's largest county, Los Angeles, complained to the Commission that more must be done to prod the Governor, the Legislature and the counties themselves to become true partners in serving children.²²

California's policy-makers must create a focal point within state government with responsibility for foster care and must clarify state and local roles in the foster care system. Reform will either require the State to lead or to establish a clear mandate that counties are responsible for the operations of the foster care system.

Clarifying roles and responsibilities for the foster care system is the most important first step in reforming the system. Change will not happen until it is clear who is responsible for bringing about that change. And clarifying roles will enhance efforts to improve accountability.

One organizational challenge that must be addressed, at the State and locally, is the coordination of services among public agencies and service providers. This problem is detailed in many of the previous reports on foster care. The State's foster care leader must ensure that the multiple state agencies that serve these children and families are working toward common objectives. Each county Board of Supervisors must ensure that local and community agencies, including school districts, non-profit service providers and other stakeholders, are working toward common ends. And it is the responsibility of both the State and county boards of supervisors, to ensure that their respective strategies are aligned.

Accountability is Evasive

California does not adequately measure or monitor the quality of foster care and how well the system prepares children for the challenges of adulthood. Numerous efforts are underway to track performance. But there is no consensus on standards, or how performance information will be used to improve outcomes and drive reforms. And there is no agreement on who can or should be held accountable.

Federal Performance Review. Under 1994 federal guidelines each state must undergo a federal performance review of foster care programs. California, like most large states, is not meeting federal standards and must develop an improvement plan that will bring the state into compliance with the new standards. If the state fails to adequately address federal concerns, California risks substantial financial penalties.²³

Researchers and officials in California report that outcomes for children and families are improving and in some respects, because of how the

federal collects data and documents outcomes, these improvements are not adequately reflected in the federal review.

State Performance Review. AB 636 (Chapter 678, Statutes of 2001, Steinberg) established the Child Welfare System Improvement and Accountability Act of 2001. The bill requires the Health and Human Services Agency to develop a plan to review all county child welfare systems to ensure compliance with state and federal requirements, to monitor outcomes, and to identify and replicate best practices.

Citizen Review Panels: Providing Independent Oversight

In 1996 the President and Congress recognized that citizens could provide effective oversight of the child welfare system. The federal Child Abuse Prevention and Treatment Act (CAPTA) was amended to require states to establish citizen review panels to evaluate state and local efforts to protect children. Federal law requires California to establish three panels. Each panel must evaluate California's child protective services based on the State's child abuse prevention plan, federal standards and other criteria the panels deem important.

Federal law requires states to provide the panels with information necessary for effective oversight, including confidential case materials, and staff assistance to support the panel's duties. Federal requirements allow states to use existing panels to perform the oversight functions, if the existing panels meet the federal requirements for membership, meetings and responsibilities. Regional or local panels are allowed, if they meet statutory requirements to examine policies and procedures of state and local agencies.

California's Panels Fall Short

In 1999, California established three local panels: in Placer, Napa, San Mateo counties. A fourth panel was formed in Kern County in 2002. And the Department of Social Services has designated the Child Welfare Services Stakeholders group as a statewide panel for purposes of the federal requirements.

The three original local panels have each reviewed local programs and activities and made recommendations for improvement. But none of the local panels have reviewed the programs and policies of state agencies, as required by federal law and they have not benefited the children living in the other 55 counties that collectively represent the vast majority of children in foster care. California's Stakeholders group is undertaking an ambitious review of the State's child welfare system, but the mission of the Stakeholders group and the requirements of the citizen review panels are not consistent.

Representatives of the Department of Social Services report that the efforts of California's citizen review panels are clearly documented in the State's annual report to the U.S. Department of Health and Human Services, Administration for Children and Families. At the Commission's request, the federal agency is reviewing the status of California's compliance. A spokesperson for the federal office told the Commission that the state's \$2.6 million CAPTA grant could be in jeopardy.

The Commission believes that California is not in compliance with the federal requirement to establish citizen oversight of California's efforts to protect children. The efforts of those panels designated by the Department of Social Services as citizen review panels fall far short of the charge outlined in federal law. Congress and the President recognized the potential for effective citizen review. California needs to comply with this federal mandate.

Sources: Veronika Kot, et. al. 1998. "Citizen Review Panels for the Child Protective Services System: Guidelines and Protocols." Des Moines, IA: Child and Family Policy Center. Office of Child Abuse Prevention. "Annual Report of the California Citizen Review Panels Fiscal Year 1999-2000." May 2001. Sacramento, CA: California Department of Social Services. Office of Child Abuse Prevention. "Second Report of the California Citizen Review Panels, July 1, 2000 – December 31, 2001." October 2002. Sacramento, CA: California Department of Social Services. Debra Sample, U.S. HHS, ACF. Personal Communication. January 22, 2003.

The agency has established a workgroup and is scheduled to develop a review system by April 1, 2003.

Performance Indicators Project. The Center for Social Services Research at UC Berkeley established the Performance Indicators Project to make available timely and useful data about children who are involved in the child welfare system. With state and foundation funding, the Center reconfigures data to permit administrators, researchers and others to track individual cases and outcomes over time.²⁴

But policy analysts and experts across the nation argue that standards and data alone are inadequate. They often are difficult for the public and policy-makers to understand, and they frequently are not reliable reflections of outcomes. These experts argue that the most pioneering states are creating strong local oversight boards, independent state oversight mechanisms, and consistent and clear reporting to the public on outcomes.²⁵ With standards and data, these boards can provide oversight and create accountability.

The Commission has long asserted that public accountability for outcomes enhances continuous improvement. And in the case of foster care – where the State has an important obligation that it has failed to meet – those outcomes need to be monitored by dedicated citizens outside of government. California needs a state-level, independent oversight board with the mandate and tools needed to monitor performance, document challenges and recommend reforms.

California has dedicated some resources to an ombudsman program, but that office is not structured in a way that can assertively investigate shortcomings or publicly identify systematic failures. Even in difficult fiscal times, reallocating resources to oversight can be expected to increase performance and reduce demands on this extraordinarily expensive system.

Creating a state structure that can bring leadership and accountability at the state level is an essential first step toward wholesale reform. But those efforts must be matched in the 58 counties, as well. And particular attention needs to be paid to Los Angeles County.

Foster Care Ombudsman

California has an ombudsman for foster care who reports to the director of the Department of Social Services. The office is not empowered to recommend policy or practice changes that could reduce the need for ombudsman services. Its lack of independence prevents the ombudsman from being a public advocate for children in foster care.

Other states have independent ombudsman programs. Rhode Island and Connecticut each have an ombudsman for foster care that is appointed by the Legislature and reports directly to the Legislature.

Source: California State Ombudsman Office for Foster Care. Annual Report, May 2000-2001.

Half the Children, More Than Half the Problems

Los Angeles County operates the largest child welfare agency in the country. The Department of Children and Family Services fields over 160,000 emergency referrals a year and has a caseload of 50,000 to 60,000 children.²⁶

At a public hearing in Los Angeles, the Commission met with foster youth and parents, community leaders, county supervisors, and other officials to understand the challenges of local leadership. The hearing was called in direct response to state officials who asserted that county leaders are ultimately responsible for the quality of foster care.

Testimony at the hearing reiterated – often with a human voice and emotional stories – the issues raised in other counties and in formal inquiries by grand juries, private consultants and others.

County officials told the Commission that they are making progress:²⁷

- All new and prospective placements are assessed to ensure that relative caregivers meet the same standards as licensed foster family homes.
- An investigative academy was created to enhance the skills of emergency response social workers.
- Performance-based management standards have been implemented throughout the department.
- Transitional housing placements, independent living services and wraparound services have been increased.
- The number of foster children receiving mental health care has increased by 74 percent.
- A service integration branch has been developed within the Chief Administrative Office to facilitate coordination across county agencies.

But that progress has been insufficient. And the testimony undermines the position of the Health and Human Services Secretary that counties are able to develop and manage a quality foster care system alone.

County officials told the Commission that many of the challenges facing the county can be corrected and are being addressed through county actions. But fundamental concerns relating to funding, placement resources, cumbersome rules and regulations cannot be addressed without state leadership, and collaboration across multiple state, county agencies and other local agencies. County leaders told the Commission that California must build a strong state-local partnership for foster care for reforms to be effective.

But policy reform alone will not address all that ails this system. Advocates often testify about the unavailability of services, and the challenges facing children in a system that is trying to do the right thing. Yet in Los Angeles, an extraordinary amount of anguish was presented from foster parents, as well as birth parents, about the fundamental safety of children in foster care. One woman, who cares for her grandchildren, asserted that public employees simply fail to respect those they are trying to serve or those who are trying to help protect children. It was not about resources or services. It was about respect.

As elsewhere, the problems in the Los Angeles County foster care system are well known and clearly documented, as summarized on page 17, and characterized in the adjacent newspaper editorials.

The Los Angeles Times, July 2002:

Los Angeles has a foster care system driven by what is available, not what is needed. Children receive too few services too late. Thousands are shuttled to ineffective and expensive institutional care. They are poorly monitored, with no consistent, individualized care. Not surprisingly, many deteriorate in county care, populating our jails, homeless shelters and mental wards after they “age out” of a failed system. Many never overcome the effects of the abuse or neglect they have suffered.

The Los Angeles Daily News, September 2002:

The horrors of the county’s residential center for emotionally troubled and abused children were never any great secret. They’ve been documented for years – kids running away, abusive personnel, children not getting placed in the foster homes they needed.

Source: Los Angeles Times. “A Foster Care Tragedy Worthy of Dickens.” July 18, 2002. Los Angeles Daily News. “Stopping Abuse. It Shouldn’t Take Litigation to Get Government to Do Its Job.” September 12, 2002.

A Structure for Improvement

Los Angeles County expends considerable resources in an attempt to provide oversight to the foster care system and improve the quality of services. The following entities each play an oversight role:

- **The Los Angeles County Commission for Children and Families.** Founded in 1984, the Commission is made up of 15 members with each county supervisor appointing three members for limited terms. The Commission is charged with monitoring and evaluating efforts to improve services to children and families.²⁸ Budget: \$204,000 Staff: 2

- ***The Inter-Agency Council on Child Abuse and Neglect (ICAN).*** The Council was established in 1977 to coordinate services that prevent, identify and treat child abuse and neglect. Membership on the council includes 27 county, city, state and federal agency heads, along with UCLA, five private sector members appointed by the Board of Supervisors, and the Children's Planning Council.²⁹ Budget: \$852,675 Staff: 9.
- ***The Los Angeles County Children's Planning Council.*** The Council, founded in 1991, is a 46-member advisory body made up of appointees and exofficio members who advise the Board of Supervisors regarding the planning and delivery of services to children in the county.³⁰ Budget: \$3.5 million. Staff: 22.
- ***Department of Children and Family Services, Office of the Ombudsman.*** The Office assists children, families, community organizations, government agencies and others through educational services, problem resolution and conflict management with regard to DCFS services.³¹ Budget: \$330,049. Staff: 4.
- ***Department of Auditor-Controller. Children's Services Ombudsman.*** Serves as an advocate and problem solver for children placed in group homes.³² Budget: \$438,500. Staff: 4.
- ***Department of Auditor-Controller. Children's Services Inspector General.*** Investigates matters involving the abuse or death of children who have contact with the Department of Children and Family Services.³³ Budget: \$343,000. Staff: 3.

The Los Angeles County Department of Children and Family Services

Leadership: Los Angeles County has an interim director who reports to the five-member Board of Supervisors. Supervisors report frequent disagreements on how to manage the department.

Budget \$1.4 billion. Funding has increased by 34 percent since FY 1998-99.

Staffing: 6,922 employees. Workforce has increased by 25 percent since 1998.

Offices: 25.

Service Providers: DCFS contracts with 75 different foster family agencies and places children in the care of 5,734 certified foster family homes and many more relative homes.

Affiliated Agencies: DCFS works with dozens of federal, state, county, regional and community agencies and organizations to provide appropriate care to children and families.

New Foster Care Entries: 7,594 in 2001, a 21 percent decrease since 1998.

Sources: County of Los Angeles. Annual Report 2002-2003. Supplemental data provided by the Department of Children and Family Services to the Little Hoover Commission. For number of offices, <http://dcfs.co.la.ca.us/wdcfs/locations.htm>.

Child advocates report that the effectiveness of these entities has been undermined in recent years by squabbling among the agencies and their constituencies. And they report that the Board of Supervisors either has been unwilling or unable to implement sufficient reforms even when these entities identify the changes that should be made.

Los Angeles County: Common Problems at a Bigger Scale

County Grand Jury Documents Problems

The 1999-2000 Grand Jury found that Los Angeles County was not meeting the basic requirements of the foster care system because of organizational, management and other systemic challenges.

The 2001-02 Grand Jury focused on problems at the MacLaren emergency shelter. The facility is designed to shelter children for no more than 30 days, but the average length of stay for all children was 48 days. More significantly, 86 percent of children stayed over 30 days, with the average length of stay for these children being three months. A total of 39 children spent more than 300 days living at the center between 1999 and 2001, including multiple admissions. Two children lived at the center for more than 700 days during this period. The Grand Jury also found that 70 percent of the children enrolled in school at MacLaren were performing below grade level. The Grand Jury concluded that the center has failed to investigate allegations that staff have abused children in its care. The backlog of pending investigations extends back to 1997 and has increased over the past two years. The Grand Jury was concerned that by failing to investigate allegations of abuse the county runs the risk of exposing more children to threats and abuse.

Independent Analysis Documents Failures

In 2002 the Los Angeles County Department of Children and Family Services commissioned an independent analysis of foster care. That analysis found that the coordination and management of care for children is inadequate. The report stated that most services and personnel continue to act in "silo" fashion, despite numerous attempts to promote service coordination and the integration of goals.

The independent analysis revealed the following concerns:

- The county lacks a standard process for screening children coming into the system or assessing the needs of those already in the system.
- The county does not have a standard of care for all children. Consequently it is unclear if children are receiving too few, too many or the wrong types of services.
- Los Angeles has every type of program but not enough of any program to meet all needs.
- Efforts to coordinate or collaborate are insufficient. There is no systematic attempt to link the strategic plans of multiple local agencies. A lack of support from central government (such as fiscal, legal and human resources) undermines collaboration.
- Data sharing and retrieval is inadequate and a core barrier to providing timely, efficient care. The sharing of educational and health data is particularly difficult.
- Birth and foster families are not viewed as potential sources of solutions. They are more fundamentally considered the problem.
- Staff often lack the training and support needed to perform adequately. University-based training does not prepare new staff for work demands, and philosophical differences across county departments undermine effectiveness.

Sources: Los Angeles County Grand Jury reports for 1999-2000 and 2001-2002. Kaplan and Associates. "Where Are We, Where Do We Go From Here, and How Do We Get There?" August 8, 2002.

Missing Children

On September 27, 2002, Los Angeles County reported that it could not account for 740 children in its care. Of the 49,843 children the county was supervising, 488 had run away, and 252 were abducted by family members.

In a report to county supervisors, the Department of Children and Family Services wrote that "There was no instance in this sample in which a child's whereabouts was actually unknown to the social worker handling the child's case."

In a second report, however, the department states that it does not have information on the whereabouts or circumstances regarding many of the children who have run away from their care. In an October 15, 2002 report, the department identified 77 children who had run away from foster care during the month of September. Of those, 55 had not returned by early October.

The children reported as "running away" ranged in age from 2 to 22 years old. No one has been able to provide the Commission with a reasonable answer to the question of how a 2-year-old successfully runs away.

In general, the youngest children who are missing are abducted by their parents. The older children are reported to have moved on their own. However, 40 children between the ages of 13 and 17 were reported to have run away with no information on their return. In one example, Emmanuel M. is 13 years old and was missing for at least three weeks.

Sylvia Pizzini, deputy director, Children and Family Services Division, California Department of Social Services maintains that the issue of missing children is inappropriately highlighted and does not warrant the focused attention. However, the former director of the Los Angeles County Department of Children and Family Services said missing children indicate that local agencies are not effectively serving children and families. She said these children are at risk for sexual assault, prostitution and other forms of violence.

Sources: County of Los Angeles, Department of Children and Family Services. Memos addressed to the Los Angeles County Board of Supervisors. "August 13, 2002 Board Motion (Synopsis #41) Regarding Department of Children and Family Services' Missing Children." September 27, 2002. "Summary of September 2002 Runaway Incidents Involving Children Placed by the Department of Children and Family Services." October 15, 2002.

What Must Be Done

The Commission appreciates those who have dedicated their careers or opened their homes to help abused and neglected children. It applauds legislators and innovative county officials who are trying to work on the margin – one bill, one broken heart at a time.

But it also shares the growing frustration of many people who recognize that these efforts are not adequately lowering the barriers to service or responding to the most egregious failings of the system.

The Commission's overwhelming concern remains that there is no one person or agency at the state level with responsibility and authority for children in foster care. The Commission firmly believes that strong and supported leadership is essential to implement any reforms directed by the Legislature or negotiated by stakeholders. That leadership also will be required to hammer out agreements on the real issue of how to clarify the role of the State and the role of the counties. And that leadership will be necessary to bring meaning to whatever performance measures are required by the federal government or crafted by the State.

Given the consequences for children, families and communities of the current system, the Commission also believes that focused citizen oversight is required at both the state and county level. Specifically:

Recommendation 1: The Governor and Legislature should designate a leader for California's foster care system.

The Governor and Legislature should designate a leader within the Governor's administration and ensure that leader has the appropriate authority and guidance to reform the foster care system. That leader should be held accountable for improvements.

Recommendation 2: The Governor and Legislature should transform the foster care ombudsman into a Child Welfare Inspector General.

The California Ombudsman for Foster Care should be reorganized into a Child Welfare Inspector General. The Inspector General should be vested with the authority of comparable entities, including the Inspector General of the Youth and Adult Correctional Agency, to investigate complaints and evaluate local foster care agencies.³⁴ The Inspector General should report to the State Child Welfare Oversight Board that is described below.

Recommendation 3: The Governor and Legislature should create a State Child Welfare Oversight Board.

Create Effective Citizen Oversight

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires California to establish, at a minimum, three citizen review panels to determine whether state and local agencies are meeting their responsibilities to protect children. Federal standards require the citizen review panels to be:

Independent. A majority of members must be volunteers who are not staff to public agencies involved in child welfare. The panels may examine any criteria its members deem important to ensure the protection of children.

Expert. Members must be diverse, geographically representative and include members with expertise in the prevention and treatment of child abuse and neglect.

Supported. Federal law requires the state to provide access to information and staff assistance to enable the panels to perform their duties.

Public. Panels must meet quarterly, and make publicly available an annual report on its activities, including information on the State's efforts to implement their recommendations.

❑ **Responsibilities:** The Board should make on-going recommendations to the Legislature and Governor, state and local agencies and others on strategies to improve state and local efforts to serve children and families involved with the foster care system. The board should be charged with ensuring the effective operation of local oversight boards. It should recommend to the Legislature and Governor sanctions and incentives to encourage counties to follow the law, adopt best practices or improve the local foster care system.

❑ **Membership:** The board should be a mix of foster care stakeholders, including current and former foster youth, and other community leaders. Particular emphasis should be placed on recruiting representatives from education, health care and business communities. The Legislature and the Governor should each make appointments to fixed-term positions.

Recommendation 4: Each county should designate a leader for foster care.

Each county Board of Supervisors should designate a leader within the county administration and ensure that leader has the appropriate authority and guidance to reform the foster care system, bring together the efforts of multiple county departments and work with non-county agencies involved with the foster care system. That leader should be held accountable for improving outcomes for children and families.

Recommendation 5: Each county should create a local Child Welfare Oversight Board and a Child Welfare Inspector General.

❑ **Responsibilities:** Local boards should be directed to evaluate local foster care services and make recommendations to county supervisors, local agencies and others on potential improvements.

- ❑ **Membership:** Membership on local boards should include current and former foster youth, and other stakeholders. Emphasis should be placed on recruiting representatives from education, health care, civic and business communities.
- ❑ **Staffing:** Counties should provide local boards the resources and authority to hire Child Welfare Inspector Generals, who should have the rights and responsibilities of comparable agents to investigate complaints, evaluate providers and issue reports to the Oversight Board.

In Los Angeles

Los Angeles County Supervisors should reorganize the roles and responsibilities of its multiple boards, inspectors and ombudsman services to focus these resources on improving the quality of foster care.

The board should set clear goals to ensure children in foster care are safe, receive needed services, find permanency or are prepared for adulthood. The new director should be held accountable for progress.

If not you, then who? If not now, then when?

Protecting children will require above all else leadership. In September 2002, the Commission identified for the Health and Human Services Agency Secretary steps that could be taken with existing resources and authority to improve the lives of children. Some efforts would bring immediate results, while other steps would begin the necessary alignment of responsibility, authority and accountability.

1. **Designate an agency lead.** Children in foster care and their families often require support and services administered by numerous state and local agencies. Directors of individual departments or programs do not have the authority to cut across the bureaucracy to ensure adequate cooperation or care. The Health and Human Services Agency is the appropriate state entity to be responsible for providing competent and comprehensive foster care. Today, the Agency Secretary can designate an agency staff person with the support and authority needed to allow the departments of Social Services, Mental Health, Health Services, Alcohol and Drug Programs and others to ensure that state programs work as one and recognize their shared responsibilities for children and families.
2. **Respond to crises.** The agency staff person designated to lead should immediately tackle the most important crises facing children in foster care. Topping that list are those children who have experienced multiple placements because of the system's failure to understand and meet their needs. The State should develop a mechanism to quickly identify every child with multiple placements. It should ensure those children have a comprehensive needs assessment. It should guarantee to those children that they will receive the services and a placement tailored for their success. And the State should monitor their outcomes. No child should suffer through a series of failed placements because adults failed to get it right after five tries. Today, the Agency Secretary can direct staff to take on this challenge and immediately improve lives.
3. **Address governance issues.** California needs an honest, frank and thoughtful discussion on governance in the foster care system. California will not be able to ensure that children in foster care receive high-quality, effective services until federal, state and local lines of authority and responsibilities are aligned. The Agency Secretary can bring together leaders from local, state and federal governments to resolve the shared issues that impede high-quality foster care.
4. **Ensure the State is an effective parent.** While foster care is intended to be temporary, for some children the State becomes their parent as they reach adulthood. As with birth parents, our moral obligation to these children does not end with emancipation. The State must do all it can to ensure that children emancipating from the system have the guidance, education, employment and housing they need to be successful. Today, the Agency Secretary can direct staff to identify the resources available to address these needs. Through the Governor's Mentoring Partnership the State can ensure that every teenager in foster care has a mentor. Through adult education programs and the community colleges the State can ensure that all emancipating youth are in a high quality education or training program. In turn, those youth who are in college and university programs could benefit from the housing available through many campuses. Finally, the State is a major employer and has vast employment resources. Through the Employment Development Department, the Workforce Investment Board, and the Department of Personnel Administration the State can ensure that every emancipating youth is employed by the State, another public agency or a private employer.
5. **Use the bully pulpit.** The Agency Secretary is California's lead official for the more than 90,000 children in the State's care. He can designate at least a few days a month to keeping the public's attention on the needs of our children. He should use the voice of the Agency and its visibility to bring together state and local leaders from business and industry, foundations and community organizations, education, the faith community, entertainment, media, government and other sectors to champion progress. California needs more foster families, more mentors and tutors, a greater emphasis on adopting proven and promising practices, and continuous community pressure for state and local leaders to demonstrate results. Today, the Agency Secretary can begin to use his bully pulpit to build broad public support for this essential obligation.

Appendices & Notes

- ✓ ***Public Hearing Witnesses***
- ✓ ***Foster Care Related Legislation***
- ✓ ***Notes***

Appendix A

Little Hoover Commission Public Hearing Witnesses

Witnesses Appearing at Little Hoover Commission Foster Care Follow-up Hearing on August 22, 2002

Anita M. Bock, Former Director
Los Angeles County Department of Children
and Family Services

Alice Bussiere, Staff Attorney
Youth Law Center

Jaci Davis, Member
California Youth Connection

Grantland Johnson, Secretary
Health and Human Services Agency

Joyce R. Lewis, Vice President
National Foster Parent Association

Stephen Mayberg, Ph.D., Director
California Department of Mental Health

Dennis McFall, Director
Behavioral Health Services
Siskiyou County

Stuart Oppenheim
Northern Regional Director
Human Services Agency, San Mateo County

Sylvia Pizzini, Deputy Director
Children and Family Services Division
California Department of Social Services

Witnesses Appearing at Little Hoover Commission Foster Care Follow-up Hearing on November 21, 2002

Gwen Bartholomew, Co-Founder
Grandma's Angels

Berisha Black, Emancipation Ombudsman
Los Angeles County Department of Children
and Family Services

Yvonne Brathwaite Burke
Supervisor, Second District
Los Angeles County Board of Supervisors

Charlene Chase, Director
Santa Barbara County Department of
Social Services

Patricia Curry, Commissioner
Los Angeles County Commission for
Children and Families

Sweet Alice Harris
Founder and Executive Director
Parents of Watts

Marjorie Kelly, Interim Director
Los Angeles County Department of Child
and Family Services

Linda Lewis, Executive Director
Western Child Welfare Law Center

LITTLE HOOVER COMMISSION

Alex Ben Morales, President and CEO
Children's Bureau of Southern California

The Honorable Michael Nash
Presiding Juvenile Court Judge
Los Angeles County

Sylvia Pizzini, Deputy Director
Children and Family Services Division
California Department of Social Services

Deanne Tilton Durfee, Executive Director
Los Angeles County Inter-Agency Council
on Child Abuse and Neglect

Zev Yaroslavsky, Chair
Los Angeles County Board of Supervisors

Appendix B

Foster Care Related Legislation

Since 1999, the Legislature and Governor considered more than 100 bills to address challenges within the child welfare system. Among some of the legislation placed into statute were the following bills:

Health & Education

- ❑ **SB 543 (Bowen)** – Required child case plans and specified court reports to include a health and education summary. *Chapter 552, Statutes of 1999.*
- ❑ **AB 427 (Hertzberg)** – Created the Los Angeles Passport System, an Internet-based pilot project to collect and maintain health and education records for foster children. *Chapter 125, Statutes of 2001.*
- ❑ **AB 430 (Cardenas)** – Accelerated eligibility for Medi-Cal for children entering the foster care system. *Chapter 171, Statutes of 2001.*

Emancipation

- ❑ **AB 686 (Aroner)** – Required counties to verify that services were provided to a foster youth exiting the system at age 18, and if not, to continue court jurisdiction to age 21. *Chapter 911, Statutes of 2000.*
- ❑ **AB 427 (Hertzberg)** – Expanded the scope of class of children who are provided transitional housing from ages 17-18 to ages 16-19. *Chapter 125, Statutes of 2001.*
- ❑ **AB 1261 (Migden)** – Increased the amount of cash savings foster youth 16 and older can retain from \$5,000 to \$10,000. *Chapter 686, Statutes of 2001.*
- ❑ **SB 841 (Alpert)** – Created the Foster Youth Training Institute to train counties in implementing programs similar to the Early Start to Emancipation Program. *Chapter 694, Statutes of 2001.*

Oversight

- ❑ **AB 67 (Escutia)** – Required DSS to work with child death review teams and Child Protective Services (CPS) to identify cases that were or should have been reported to or by county CPS agencies. *Chapter 606, Statutes of 1997.*
- ❑ **SB 933 (Thompson)** – Created the Office of the State Foster Care Ombudsperson. *Chapter 311, Statutes of 1998.* AB 2294 (Liu) expanded the term of office and responsibilities of the Ombudsperson. *Chapter 1160, Statutes of 2002.*
- ❑ **SB 525 (Polanco)** – Created the Fatal Child Abuse and Neglect Surveillance Program. *Chapter 1012, Statutes of 1999.*

- ❑ **AB 636 (Steinberg)** – Established the Child Welfare System Improvement and Accountability Act of 2001 and the Child and Family Service Review System. *Chapter 678, Statutes of 2001.*
- ❑ **AB 899 (Liu)** – Specified the rights of foster children. *Chapter 683, Statutes of 2001.*

Permanent Placements

- ❑ **AB 1544 (Aroner)** – Changed foster care and adoption procedures to expedite the permanent placement of foster children living with relatives. *Chapter 793, Statutes of 1997.*
- ❑ **SB 1901 (McPherson)** – Created a new permanency placement option called “kinship guardianship” and established the Kinship Guardianship Assistance Payment program to provide financial assistance to relatives who are appointed as legal guardians. *Chapter 1055, Statutes of 1998.*
- ❑ **AB 2773 (Senate Health & Human Services Committee)** – Conformed state law to the Adoptions and Safe Families Act, P.L. 105-89, to expedite permanency for foster children. *Chapter 1056, Statutes of 1998.*

Notes

1. Between 1994 and 2001, approximately 40,000 children each year entered the foster care system. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1988-2001 Total First Entries, Reentries, Exits from Care, and Net Change in Child Welfare Supervised Foster Care Population." Child Welfare Services Reports for California. Retrieved January 21, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/dynamics/caseflow/data/EDf_00_88-01_0.html.
2. Little Hoover Commission. 1999. "Now in Our Hands: Caring for California's Abused and Neglected Children."
3. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1998 First Entries: Exits at 3, 6, 12, 15, 18, 24, 30, 36 & 42 Months by Placement Type and Age at Entry." Child Welfare Services Reports for California. Retrieved January 23, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/cohorts/exits/data/EXf_APO_1998_0.html.

Interval	% Exiting	Cumulative % Exiting	Still in Care
3 months	18.2%	18.2%	81.8%
6 months	4.3%	22.5%	77.5%
12 months	10.5%	33.0%	67.0%
15 months	7.2%	40.2%	59.8%
18 months	6.4%	46.6%	53.4%
24 months	13.0%	59.6%	40.4%
30 months	9.9%	69.5%	30.5%
36 months	6.8%	76.3%	23.7%
42 months	4.7%	81.0%	19.0%

4. The number of children in foster care on July 1, 2001 was 92,093. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1998-2002 July 1 Caseload Children in Child Welfare Supervised Foster Care by Placement Type." Child Welfare Services Reports for California. Retrieved January 14, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/Pointintime/fostercare/childwel/data/CWf_PO_jul9802_0.html.
5. California Department of Social Services. October 2002. As cited in Diane F. Reed, M.P.H. and Kate Karpilow, Ph.D. November 2002. "Understanding the Child Welfare System in California." Berkeley, CA: California Center for Research on Women & Families. Page 21.
6. Lisa Foster. December 2001. "Foster Care Fundamentals: An Overview of California's Foster Care System." Sacramento, CA: California Research Bureau. Page 31.
7. Doug Johnson. California Alliance of Child and Family Services. December 18, 2002. "AFDC Foster Care Rate Schedules, effective July 1, 2002." Based on \$425 a month rate

for children ages 0 to 4 who are placed in licensed foster family homes or approved homes of relatives.

8. Department of Health Services. November 18, 2002. Letter to the Commission.
Department of Health Services. December 19, 2002. Letter to the Commission.
9. "Mental Health Screening, Assessment, and Treatment Services and Additional Costs for Children in Foster Care or on Probation and Their Families." A report to the Legislature in response to Chapter 311, Statutes of 1998. June 30, 1999.
10. Department of Health Services. November 18, 2002. Letter to the Commission.
Department of Health Services. December 19, 2002. Letter to the Commission.
11. California Youth Connection. November 2002. Memo to the Commission in response to testimony from the California Department of Social Services.
12. California Youth Connection. November 2002. Memo to the Commission in response to testimony from the California Department of Social Services.
13. Traditional foster care placements include non-kin care, such as foster family homes, group homes, or other placements with non-relatives. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1988-2001 Total First Entries, Reentries, Exits from Care, and Net Change in Child Welfare Supervised Foster Care Population." Child Welfare Services Reports for California. Retrieved January 21, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/dynamics/caseflow/data/EDf_00_88-01_0.html. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "2000 Entries: Number of Placements in First Spell for Children Still in Care at 3, 6, 12 & 18 months." Child Welfare Services Reports for California. Retrieved January 22, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSReports/cohorts/stability/data/ESf_APO_2000_0.html.
14. Stuart Oppenheim, Northern Regional Director, Human Services Agency, San Mateo County. August 22, 2002. Written testimony to the Commission.
15. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "Siblings in Child Welfare Supervised Foster Care on July 1, 2002 by Placement Type." Child Welfare Services Reports for California. Retrieved January 21, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/Pointintime/fostercare/childwel/data/sib_PO_jul2002_0.html.

# Siblings in Family	% All Together	% All or Some Together
Total	40.2%	65.4%
2	58.8%	58.8%
3	40.9%	65.9%
4	28.5%	69.8%
5	18.6%	73.2%
6+	12.2%	72.2%

16. Children and Family Services Division. "What Does Research Tell Us About Children's Needs in the Context of Family?" Sacramento, CA: California Department of Social Services. American Academy of Pediatrics. November 2000. "Developmental Issues for Young Children in Foster Care (RE0012)" Volume 106, No. 5. Pages 1145-1150. Richard P. Barth. June 17, 2002. As cited in "Institutions vs. Foster Homes." Chapel Hill, NC: Jordan Institute for Families, School of Social Work, University of North Carolina at Chapel Hill.
17. Children and Family Services Division. "What Does Research Tell Us About Children's Needs in the Context of Family?" Sacramento, CA: California Department of Social Services. American Academy of Pediatrics. November 2000. "Developmental Issues for Young Children in Foster Care (RE0012)" Volume 106, No. 5. Pages 1145-1150. Richard P. Barth. June 17, 2002. As cited in "Institutions vs. Foster Homes." Chapel Hill, NC: Jordan Institute for Families, School of Social Work, University of North Carolina at Chapel Hill.
18. Lisa Foster. December 2001. "Foster Care Fundamentals: An Overview of California's Foster Care System." Sacramento, CA: California Research Bureau. Page 29. See also, Robert M. George, et al. March 2002. "Employment Outcomes for Youth Aging Out of Foster Care." Chicago, IL: Chapin Hall Center for Children, University of Chicago.
19. Grantland Johnson, Secretary, California Health and Human Services Agency. August 22, 2002. Written testimony to the Commission.
20. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1998-2002 July 1 Caseload Children in Child Welfare Supervised Foster Care by Placement Type." Child Welfare Services Reports for California. Retrieved January 14, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/Pointintime/fostercare/childwel/data/CWf_PO_jul9802_0.html.
21. Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Brookhart, A., Lery, B., Shaw, T., Dawson, W. & Kim, H. 2002. "1998-2001. Total First Entries, Reentries, Exits from Care, and Net Change in Child Welfare Supervised Foster Care Population." Child Welfare Services Reports for California. Retrieved January 21, 2003, from University of California at Berkeley Center for Social Services Research Web site. Data Source: CWS/CMS 2002 Q2 Extract. URL: http://cssr.berkeley.edu/CWSCMSreports/dynamics/caseflow/data/EDf_00_88-01_0.html.
22. Zev Yaroslavsky, Chair, Board of Supervisors, County of Los Angeles. Letter to the Little Hoover Commission. December 30, 2002.
23. Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. August 2000. "Child and Family Service Reviews. Procedures Manual." Washington, D.C.: U.S. Department of Health and Human Services. Page 2. Site accessed January 23, 2003. <http://www.acf.hhs.gov/programs/cb/publications/procman/manual.pdf>. California Department of Social Services. "California Child and Family Services Review. Statewide Assessment. Highlights July 2002."
24. Child Welfare Research Center. Center for Social Services Research, School of Social Welfare, University of California, Berkeley. Site accessed January 7, 2003. <http://cssr.berkeley.edu/CWSCMSReports/>.

25. Ira Burnim, Legal Director, Judge David L. Bazelon Center for Mental Health Law. Personal communication.
26. Department of Children and Family Services, Los Angeles County. August 14, 2002. "Child Protection Hotline Monthly Call Volume Report 2000." KIDSTAT Status Report. Bureau of Child Protection. Los Angeles County Foster Care Task Force. December 23, 1999. "Los Angeles County Foster Care: Children at Risk. Report to the Los Angeles County Board of Supervisors."
27. County of Los Angeles. Annual Report 2002-2003. Page 29. Zev Yaroslavsky, Chair, Los Angeles County Board of Supervisors. November 21, 2002. Written testimony to the Commission. Marjorie Kelly, Interim Director, Los Angeles County Department of Children and Family Services. November 21, 2002. Written testimony to the Commission.
28. Information provided by the Chief Administrative Office, Social Services Division, County of Los Angeles. January 8, 2003.
29. Information provided by the Chief Administrative Office, Social Services Division, County of Los Angeles. January 8, 2003.
30. Chief Administrative Office, Budget and Operations Management Branch, County of Los Angeles. The Children's Planning Council Foundation, Inc. "Statement of Activities." Figure based on 18 months ended June 30, 2002.
31. Information provided by the Chief Administrative Office, Social Services Division, County of Los Angeles. "Preliminary Staffing Info for the Ombudsman Program." December 20, 2002.
32. Information provided by the Chief Administrative Office, Social Services Division, County of Los Angeles. December 20, 2002. Information provided by the Department of Auditor-Controller, County of Los Angeles. November 6, 2002.
33. Information provided by the Chief Administrative Office, Social Services Division, County of Los Angeles. December 20, 2002.
34. Chapter 766, Statutes of 1994. Chapter 969, Statutes of 1998. Chapter 918, Statutes of 1999.